



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.3708 of 2020

- 1.S.Ramasamy
- 2.T.Namburajan
- 3.M.Mathuresan
- 4.K.Thillai marimuthu
- 5.R.Veeramuthukumar
- 6.N.Nagalakshmi
- 7.R.Velayutham
- 8.P.Kuppamuthu
- 9.S.Rajendran
- 10.K.Kalimuthammal
- 11.R.Kalyanaraman
- 12.G.Lakshmi
- 13.S.Kalimuthammal
- 14.K.Subbammal
- 15.G.Indirani
- 16.T.Arumugam
- 17.V.Nagammal
- 18.R.Ramayee
- 19.V.Boomadevi
- 20.G.Panchavarnam
- 21.T.Namburajan
- 22.N.Arumugam
- 23.K.Suburamanian
- 24.A.Rajendran
- 25.A.Muniyandi
- 26.T.Renuka
- 27.P.Maruthurajan
- 28.S.Lalitha @ Srividya
- 29.K.santhosh
- 30.M.Pandi
- 31.G.Gururajan
- 32.G.Ramanathan
- 33.M.Karuppayee
- 34.C.Udayanatchi
- 35.M.Karuppayee
- 36.R.Mariammal
- 37.K.Marithaai
- 38.K.Marithaai
- 39.M.Muniyandi
- 40.Vetri Selvi

... Petitioner

Vs

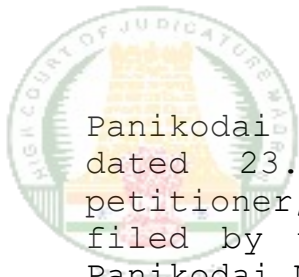


1.The Commissioner,
Hindu Religious and Charitable Endowment Administration,
Nungampakkam High Road,
Chennai-600 006.

2.The Joint Commissioner / Executive Officer,
Arulmigu Ramanathasamy Thirukoil,
Rameswaram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to implement the interest of 10% to the gratuity amount from the retirement date of the petitioners passed by the controlling officer of payment of Gratuity/The Assistant Commissioner of Labour Madurai, in the order dated 23.08.2017 in Panikodai No.32/2016 filed by the 1st petitioner, in the order dated 23.08.2017 in Panikodai No.34/2016 filed by the 2nd petitioner, in the order dated 23.08.2017 in Panikodai No.41/2016 filed by the 3rd petitioner, in the order dated 23.08.2017 in Panikodai No.42/2016 filed by the 4th petitioner, in the order dated 23.08.2017 in Panikodai No.43/2016 filed by the 5th petitioner, in the order dated 23.08.2017 in Panikodai No.44/2016 filed by the 6th petitioner, in the order dated 23.08.2017 in Panikodai No.45/2016 filed by the 7th petitioner, in the order dated 23.08.2017 in Panikodai No.53/2016 filed by the eighth petitioner, in the order dated 23.08.2017 in Panikodai No.56/2016 filed by the 9th petitioner, in the order dated 23.08.2017 in Panikodai No.58/2016 filed by the 10th petitioner, in the order dated 23.08.2017 in Panikodai No.86/2016 filed by the 11th petitioner, in the order dated 23.08.2017 in Panikodai No.87/2016 filed by the 12th petitioner, in the order dated 23.08.2017 in Panikodai No.88/2016 filed by the 13th petitioner, in the order dated 23.08.2017 in Panikodai No.89/2016 filed by the 14th petitioner, in the order dated 23.08.2017 in Panikodai No.92/2016 filed by the 15th petitioner, in the order dated 23.08.2017 in Panikodai No.101/2016 filed by the 16th petitioner, in the order dated 23.08.2017 in Panikodai No.102/2016 filed by the 17th petitioner, in the order dated 23.08.2017 in Panikodai No.104/2016 filed by the 18th petitioner, in the order dated 23.08.2017 in Panikodai No.105/2016 filed by the 19th petitioner, in the order dated 23.08.2017 in Panikodai No.106/2016 filed by the 20th petitioner, in the order dated 23.08.2017 in Panikodai No.132/2016 filed by the 21st petitioner, in the order dated 25.06.2018 in Panikodai No.133/2016 filed by the 22nd petitioner, in the order dated 23.08.2017 in Panikodai No.69/2016 filed by the 23rd petitioner, in the order dated 23.08.2017 in Panikodai No.47/2016 filed by the 24th petitioner, in the order dated 23.08.2017 in Panikodai No.49/2016 filed by the 25th petitioner, in the order dated 23.08.2017 in Panikodai No.78/2016 filed by the 26th petitioner, in the order dated 25.06.2018 in Panikodai No.72/2017 filed by the 27th petitioner, in the order dated 23.08.2017 in



Panikodai No.136/2016 filed by the 28th petitioner, in the order dated 23.08.2017 in Panikodai No.66/2016 filed by the 29th petitioner, in the order dated 23.08.2017 in Panikodai No.82/2016 filed by the 30th petitioner, in the order dated 23.08.2017 in Panikodai No.116/2016 filed by the 31st petitioner, in the order dated 23.08.2017 in Panikodai No.65/2016 filed by the 32rd petitioner, in the order dated 23.08.2017 in Panikodai No.59/2016 filed by the 33rd petitioner, in the order dated 23.08.2017 in Panikodai No.107/2016 filed by the 34th petitioner, in the order dated 23.08.2017 in Panikodai No.44/2016 filed by the 35th petitioner, in the order dated 23.08.2017 in Panikodai No.75/2016 filed by the 36th petitioner, in the order dated 23.08.2017 in Panikodai No.103/2016 filed by the 37th petitioner, in the order dated 23.08.2017 in Panikodai No.109/2016 filed by the 38th petitioner, in the order dated 23.08.2017 in Panikodai No.51/2016 filed by the 39th petitioner, in the order dated 23.08.2017 in Panikodai No.111/2016 filed by the 40th petitioner, to disburse the interest of 10% gratuity amount to the petitioners and fix a time frame by this Court.

For Petitioners : Mr.R.Ramasamy
For R-1 : Mr.K.P.Narayanakumar
Special Government Pleader
For R-2 : Mr.S.Ramesh

O R D E R

Heard the learned counsel for the petitioners, the learned Special Government Pleader for the first respondent and the learned counsel for the second respondent.

2. Aggrieved against the belated settlement of the gratuity amount to the petitioners, they have claimed interest on the belated payment in this Writ Petition.

3. In this regard the Hon'ble Supreme Court in the case of **Vijay L. Mahotra Vs. State of Uttar Pradesh** reported in **(2001) 9 SCC 687**, held that when the retirement benefits are not paid on the date of retirement are soon after, the retiree would be entitled for interest on the belated payment.

4. This Court is of the view that the respondents could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

5. In this background, there shall be a direction to the respondents to pay the interest to the petitioners at the rate of 6% per annum on the belated payment of the retirement benefits, commencing from the date of retirement, till the date of actual disbursement, within a period of three months from the date of receipt of a copy of this order.



6.This Writ Petition stands allowed in accordance with the above terms. No costs.

WEB COPY

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
Hindu Religious and Charitable Endowment Administration,
Nungampakkam High Road,
Chennai-600 006.

2.The Joint Commissioner / Executive Officer,
Arulmigu Ramanathasamy Thirukoil,
Rameswaram.

+1 CC to M/s.R.RAMASAMY, Advocate (SR-12080[F] dated 18/03/2021)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-12314[F] dated 18/03/2021)

W.P. (MD) No.3708 of 2020

17.03.2021

MJ(CO)

KB(15.04.2021) 4P 5C